

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care,” Iowa Administrative Code.

This amendment sets Medicaid reimbursement policy for translation or interpretation services provided in connection with the use of Medicaid services by members whose primary language is not English. Provision of translation or interpretation services for persons with limited English proficiency is required by Title VI of the Civil Rights Act of 1964 for federally funded programs. The Children’s Health Insurance Program Reauthorization Act of 2009 raises the level of federal reimbursement for these services in the Medicaid program.

Under this amendment, the Department will set a fee for translation and interpretation services, and providers whose reimbursement is determined by a fee for service will be able to bill this service in addition to the Medicaid service provided. Providers whose reimbursement is cost-based are already able to include these expenses in their cost reports.

This amendment does not provide for waivers in specified situations because the changes benefit the providers affected. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted this amendment June 10, 2009.

In compliance with Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary because 2009 Iowa Acts, Senate File 389, section 38(5), directs the Department to provide translation and interpretation services under the Medical Assistance Program and are also impracticable because 2009 Iowa Acts, Senate File 389, section 38(5), takes effect July 1, 2009.

The Department finds that this amendment confers a benefit by adding reimbursement for translation and interpretation services. Therefore, this amendment is filed pursuant to Iowa Code section 17A.5(2)“b”(2), and the normal effective date of the amendment is waived.

This amendment is also published herein under Notice of Intended Action as **ARC 7938B** to allow for public comment.

This amendment is intended to implement Iowa Code section 249A.4 and 2009 Iowa Acts, Senate File 389, section 38(5).

This amendment becomes effective on July 1, 2009.

The following amendment is adopted.

Adopt the following new subrule 79.1(19):

79.1(19) *Reimbursement for translation and interpretation services.* Reimbursement for translation and interpretation services shall be made to providers based on the reimbursement methodology for the provider category as defined in subrule 79.1(2).

a. For those providers whose basis of reimbursement is cost-related, translation and interpretation services shall be considered an allowable cost.

b. For those providers whose basis of reimbursement is a fee schedule, a fee shall be established for translation and interpretation services, which shall be treated as a reimbursable service.

[Filed Emergency 6/12/09, effective 7/1/09]

[Published 7/1/09]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/1/09.